

House File 2213 - Introduced

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A BILL FOR

1 An Act relating to hate crimes involving the violation of
2 individual rights.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 729A.2, Code 2022, is amended to read as
2 follows:

3 **729A.2 Violation of individual rights — hate crime.**

4 1. "*Hate crime*" means one of the following public offenses
5 when committed against a person or a person's property because
6 of the person's race, color, religion, ancestry, national
7 origin, political affiliation, sex, sexual orientation, age,
8 or disability, or the person's association with a person of
9 a certain race, color, religion, ancestry, national origin,
10 political affiliation, sex, sexual orientation, age, or
11 disability:

12 ~~1. a.~~ Assault in violation of individual rights under
13 section 708.2C.

14 ~~2. b.~~ Violations of individual rights under [section 712.9](#).

15 ~~3. c.~~ Criminal mischief in violation of individual rights
16 under [section 716.6A](#).

17 ~~4. d.~~ Trespass in violation of individual rights under
18 section 716.8, subsections 3 and 4.

19 2. In determining whether a public offense listed in
20 subsection 1 constitutes a hate crime the court may consider
21 the following nonexclusive list of factors:

22 a. Whether the race, color, religion, ancestry, national
23 origin, political affiliation, sex, sexual orientation, age, or
24 disability of the victim differs from that of the offender.

25 b. Whether the victim was engaged in activities promoting a
26 group with whom the victim is associated.

27 c. Whether the offense coincided with a holiday or date
28 of particular significance to a group with whom the victim is
29 associated.

30 d. Whether bias-related comments, written statements, or
31 gestures were made by the offender.

32 e. Whether bias-related drawings, markings, symbols, or
33 graffiti were left at the location where the public offense
34 occurred.

35 f. Whether objects or items that represent the work of a

1 hate group were left at the location where the public offense
2 occurred.

3 g. Whether the offender has previously been involved in
4 similar offenses or is a member of or associates with members
5 of a hate group.

6 h. Whether the victim was in or near an area or place
7 commonly associated with or frequented by members of a
8 particular race, color, religion, ancestry, national origin,
9 political affiliation, sex, sexual orientation, age, or
10 disability.

11 i. Whether no clear economic motive or other legitimate
12 purpose exists to explain the public offense against the
13 victim.

14 3. For purposes of this section, "hate group" means an
15 organization or collection of individuals that, based on its
16 official statements or principles, the statements of its
17 leaders, or its activities, maintains beliefs or practices that
18 attack or malign an entire class of people, typically for their
19 immutable characteristics.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to hate crimes involving the violation of
24 individual rights.

25 Current law defines a hate crime as an assault in violation
26 of individual rights under Code section 708.2C, violations of
27 individual rights under Code section 712.9 (arson), criminal
28 mischief in violation of individual rights under Code section
29 716.6A, and trespass in violation of individual rights under
30 Code section 716.8(3) and (4), when committed against a person
31 or a person's property because of the person's race, color,
32 religion, ancestry, national origin, political affiliation,
33 sex, sexual orientation, age, or disability, or the person's
34 association with a person of a certain race, color, religion,
35 ancestry, national origin, political affiliation, sex, sexual

1 orientation, age, or disability.

2 The bill adds a nonexclusive list of factors which a
3 court may consider in determining whether the public offense
4 meets the definition of a hate crime to include whether the
5 race, color, religion, ancestry, national origin, political
6 affiliation, sex, sexual orientation, age, or disability of
7 the victim differs from that of the offender; whether the
8 victim was engaged in activities promoting a group with whom
9 the victim is associated; whether the offense coincided with
10 a holiday or date of particular significance to a group with
11 whom the victim is associated; whether bias-related comments,
12 written statements, or gestures were made by the offender;
13 whether bias-related drawings, markings, symbols, or graffiti
14 were left at the location of the public offense; whether
15 objects or items that represent the work of an organized hate
16 group were left at the location of the public offense; whether
17 the offender has previously been involved in similar offenses
18 or is a member of, or associates with members of, an organized
19 hate group; and whether the victim was in or near an area
20 or place commonly associated with or frequented by members
21 of a particular race, color, religion, ancestry, national
22 origin, political affiliation, sex, sexual orientation, age,
23 or disability; and whether no clear economic motive or other
24 legitimate purpose exists to explain the public offense against
25 the victim.

26 The bill defines "hate group" to mean an organization
27 or collection of individuals that, based on its official
28 statements or principles, the statements of its leaders, or
29 its activities, maintains beliefs or practices that attack or
30 malign an entire class of people, typically for their immutable
31 characteristics.